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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,593	05/08/2006	Philip Thonhauser	Philip THONHAUSER-2 PCT	1729
25889	7590	05/06/2009	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			DEO, DUY VU NGUYEN	
			ART UNIT	PAPER NUMBER
			1792	
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			05/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,593	Applicant(s) THONHAUSER, PHILIP	
	Examiner Duy-Vu N. Deo	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/8/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT408987B (referred to as AT) and further in review of Eriksson (WO 98/42812) and Wegner (US 2003/0151024).

AT describes a cleaning and disinfection composition comprises permanganates and sodium peroxodisulfate (claimed oxidizing agent) (abs.; page 6, line 25-30). Unlike claimed invention, AT doesn't describe a pH buffer substance and polyphosphate. Eriksson teaches a cleaning agent comprising sodium percarbonate (claimed pH buffer substance) (page 1, line 25-32) and Wegner teaches a disinfection composition comprising polyphosphates such as sodium polyphosphate (paragraphs 10, 25). One skilled in the art would find it obvious to add sodium percarbonate and polyphosphates in light of Eriksson and Wegner because they teach that the sodium percarbonate is the active washing and cleaning component (Eriksson, page 1, line 28) and polyphosphate acts as a stabilizer and accelerator (paragraph 10). Also, using known elements in the art without changes in their respective functions would be obvious and yield predictable results to one skilled in the art.

Referring to claims 6, using polyphosphate such as sodium tripolyphosphate or sodium hexametaphosphate would be obvious since Wegner teaches the use of sodium polyphosphate and yield predictable results.

Referring to claim 8, it would be obvious to one skilled in the art to choose the component concentrations through routine experimentation before any real cleaning process is carried out in order to provide optimum concentrations for the cleaning process with predictable results.

Referring to claims 9-12, 14-17, AT teaches the pH is at least 11 (fig. 1) and Wegner further teaches that the cleaning/disinfecting composition can have many applications including disinfecting plant (paragraphs 0041-0045). Furthermore, page 2 of the specification describes that color change (including colors of violet, yellow, and green) during the cleaning process is described in AT, wherein certain color is associated with certain species of the manganese compounds as they are reacted to form other species. Therefore, tracking the intensity of the light emitted in the such color wavelength ranges in order to monitor the cleaning process would be obvious to one skilled in the art because those colors indicate the cleaning of the organic impurities through the consumption of the oxidizing agent as suggested by AT (described in the specification, page 2).

Claim Objections

3. Claims 3-8, 13-15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

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4. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 16 and 17 are vague because the preamble of “a use of a solution...” appears to indicate they are method claims; however, there are no steps recited in the claim but the components of a solution, which would belong to a product claim. Clarification is required if they are method or product claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy-Vu N. Deo whose telephone number is 571-272-1462. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Duy-Vu N Deo/

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Primary Examiner, Art Unit 1792

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